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SENATE

{ REPORT
No. 799

MARGARET A. USHKOVA-ROZANOFF

SEPTEMBER 24 (legislative day, SEPTEMBER 19), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 905]

The Committee on the Judiciary, to which was referred the bill (S. 905) for the relief of Margaret A. Ushkova-Rozanoff having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to inadmissibility of immigrants suffering from a mental disability in behalf of Margaret A. Ushkova-Rozanoff. The bill provides that a suitable bond be given as a guaranty against the alien becoming a public charge.

STATEMENT OF FACTS

The beneficiary of the bill was born in China on August 9, 1933. Prior to the time the Chinese Communists captured Shanghai, the beneficiary of the bill, together with her mother and her grandmother were evacuated to the International Relief Organization camp for displaced persons at Samar, Philippine Islands. Her mother and stepfather obtained visas and are presently in the United States as permanent residents. The grandmother, likewise, has obtained an immigration visa but has not as yet departed for the United States because the beneficiary of the bill was refused a visa because of her mental condition. Her condition is stated to have been caused in 1940 when she contracted measles, diphtheria, and scarlet fever within a period of 4 months. Her physician states that her malady is not of a permanent nature and can definitely be cured.

A letter dated August 27, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

AUGUST 27, 1951.

HON. PAT MCCARRAN.

*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 905) for the relief of Margaret A. Ushkova-Rozanoff, an alien.

The bill would provide that, notwithstanding the provisions of the ninth category of section 3 of the Immigration Act of 1917, as amended (8 U. S. C. 136 (d)), Margaret A. Ushkova-Rozanoff may be admitted to the United States for permanent residence, provided she is found otherwise admissible under the provisions of the immigration laws, and provided further, that a suitable bond be given assuring that Miss Ushkova-Rozanoff will not become a public charge.

The files of the Immigration and Naturalization Service of this Department disclose that the alien was born in Harbin, Manchuria, China, on August 9, 1933, her parents being Russian natives of China. Her parents were divorced on April 7, 1945, and 2 years later her mother remarried in Shanghai to George Kalfov, also a Russian native of China. The alien's father was remarried on December 23, 1945, to a native-born citizen of the United States. Prior to the time the Chinese Communists captured Shanghai, China, the alien, her mother, and her grandmother were evacuated to the International Relief Organization camp for displaced persons at Samar, Philippine Islands. Her mother and stepfather obtained immigration visas and both arrived at San Francisco, Calif., on November 30, 1950, and were admitted for permanent residence. The alien's application for a visa was refused due to her retarded mentality, and she is presently being cared for by her grandmother, Mrs. Ushkova, at the IRO camp, Samar, Philippine Islands. The grandmother has been successful in obtaining an immigration visa under the Displaced Persons Act of 1948, but has delayed her departure for the United States in the hope that her granddaughter might be able to accompany her. Mrs. Ushkova's visa is due to expire on December 31, 1951.

The files further reflect that Miss Rozanoff's blood-father served honorably with the United States Armed Forces during World War II from November 1942 until June 1945, and attained the rank of sergeant in the Air Force. He is a naturalized citizen of the United States. The record does not indicate that he is contributing to the alien's support, although according to Mrs. Fern Nelson, a United States citizen, who knew the family in China, he is interested in having his daughter come to this country. Mr. Rozanoff has one child by his second marriage, and Mrs. Rozanoff has two children of her previous marriage. The alien's mother is a nurse employed at the Providence Hospital in Seattle, Wash., and earns \$140 a month. Her stepfather is employed as a toolroom attendant and timekeeper in a factory earning \$260 a month. Mr. and Mrs. Kalfov stated that they have no other dependents, and that they will guarantee that if the alien is permitted to enter this country she will not become a public charge, and further that they are willing to post bond in the amount of \$1,000 as a guaranty.

Miss Rozanoff's mental condition is set forth in a certificate dated March 14, 1951, by a physician at the IBO camp, Samar, Philippine Islands. The certificate states that the alien's retarded mental condition began about 1940 when she was afflicted with measles, diphtheria, and scarlet fever within a period of 4 months. The certificate further states that at the time of her arrival in the Philippines, in April 1949, there was a noticeable improvement in her mental condition, and the physician assumes that this improvement was the result of certain hormones acting upon the nerve centers leading to the brain, thus causing her to develop intellectually. It appears that before the alien's illness she had learned to read and write in Russian, but during her illness she lost this knowledge. However, she has since mastered the Russian language again, but because of her possible future outside of Russia, her grandmother has been teaching her English, and she has made noticeable progress in her studies. In summing up her condition, the physician stated in the certificate that her malady is not of a permanent nature and can definitely be cured.

Since Miss Rozanoff has been found to be afflicted with a retarded mental condition, she is mandatorily excluded from the United States under the ninth

category of section 3 of the Immigration Act of 1917, as amended, which excludes from admission to the United States persons who are found to be and are certified by the examining surgeon as being mentally or physically defective. Therefore, in the absence of special legislation, she may not be permitted to enter this country to join her family.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which the Department of Justice prefers not to make any recommendation.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Warren G. Magnuson, the author of the bill, has submitted several letters and affidavits in support of the bill, among which are the following:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
DEPARTMENT OF WASHINGTON,
Seattle, Wash., January 12, 1951.

Re Margarita Ushkova IRO Evacuees' Camp Tubabao, Guian, Samar, Philippine Islands, Alexander N. Razanoff, father; Augusta Kalfov, mother.

Hon. WARREN G. MAGNUSON,
House of Congress, Washington, D. C.

DEAR SENATOR MAGNUSON: This office has been contacted by Alexander N. Razanoff who resides at 6022 Thirty-second Avenue South, Seattle, Wash., concerning the possibility of bringing his daughter into the United States. For your information the father became an American citizen as a result of service in World War II in the Armed Forces of the United States. The mother, now remarried, is in this country as a displaced person seeking citizenship along with her second husband. They have been unable to obtain a visa for the daughter inasmuch as she is found to be mentally defective.

Enclosed please find copies of all correspondence relative to this matter to date.

It would be appreciated if your office could investigate this matter and notify us as to the feasibility of special legislation in behalf of the minor child of this veteran, which legislation would make it possible for her to enter the United States.

Your kind consideration in this matter will be greatly appreciated.

Very truly yours,

JOSEPH A. MARTINEAU
(For Walter A. Deebach, Service Officer).

FEDERAL SECURITY AGENCY,
PUBLIC HEALTH SERVICE,
Washington 25, D. C., December 13, 1950.

Mr. ALEXANDER N. ROZANOFF,
6022 Thirty-second Street, South Seattle 8, Wash.

DEAR MR. ROZANOFF: This is to acknowledge receipt of your letter of December 7 petitioning the Public Health Service to arrange for the entry into the United States of your daughter, Margaret Rozanoff, who was examined in the Philippine Islands and found to be mentally defective. Since the Public Health Service has no authority in such action the petition has been referred to the Visa Division of the Department of State.

I have read the attached statements with very great sympathy for your dilemma and regret exceedingly that there is nothing the Public Health Service can do under the immigration laws.

Sincerely yours,

RALPH GREGG,
*Senior Surgeon, Assistant Chief,
Division of Foreign Quarantine.*

UNITED STATES OFFICE,
INTERNATIONAL REFUGEE ORGANIZATION,
Geneva, Switzerland, December 7, 1950.

Mr. ALEXANDER N. ROZANOFF,
6022 Thirty-second Street South, Seattle 8, Wash.

DEAR MR. ROZANOFF: We have for acknowledgement your letter of December 5 addressed to the Chief of the Washington Office of the IRO. While this organization deeply sympathizes with you in the deplorable state in which you and your daughter find yourselves with regard to the difficulties surrounding your desire for her admittance to the United States, there is really no step that IRO may take which would bring about the ends sought by you. The matters involved are strictly under the control of the United States Government. We greatly regret our inability to be of any real assistance. With regard to your request for advice as to what was done in connection with the request of Mrs. Mollie Rule, IRO resettlement officer at Samar, please be advised that very prompt action was taken by our Legal Section on a letter from Mrs. Rule addressed to this office under date of October 20, 1950. In the reply to Mrs. Rule, the following facts were recited:

"In response to your October 20 memorandum on the above subject, in view of the fact that neither of Margarita's parents were United States citizens who had resided in the United States before her birth, it seems clear that Margarita is not a United States citizen and consequently not qualified for a United States passport. In this connection I also assume that her father did not serve in the Armed Forces of the United States since the year 1941.

"As you know, while she remains an unmarried minor child of a United States citizen, Margarita may qualify under S4 (a) of the Immigration Act of 1924 for a nonquota visa, if she can meet the other requirements of United States immigration law. Consequently, whether Margarita seeks to enter under the Displaced Persons Act or as a nonquota immigrant, she would still have to qualify as a person who is not mentally defective."

In addition the suggestion was made that you might wish to consider the possibility of approaching the United States Government authorities in the Philippines for the purpose of obtaining a review or modification of a determination of mental defect. It is presumed of course that you have contacted the Government's immigration authorities in the State of Washington for advice in the matter, since only the Government could take any action which might resolve your difficulties.

Again assuring you of our profound sympathy, and our regret that since the matter in no way comes within the purview of IRO's authority, we can make no definite move in the premises.

Very truly yours,

WILLIAM W. DICK,
Colonel, United States Army, Retired
Deputy Chief, United States Office IRO.

AMERICAN CONSULATE,
TUBABAO, GUITAN, SAMAR,
Republic of the Philippines, December 15, 1950.

Mr. ALEX N. ROZANOFF,
6022 Thirty-second Avenue South, Seattle 8, Wash.

SIR: The receipt is acknowledge of your letter of December 5, 1950, requesting that the case of your 17-year-old daughter, Margaret A. Ushkova-Rozanoff, an alien refused a visa on medical grounds, be reopened.

A doctor from the United States Public Health Service was detailed to Tubabao for the sole purpose of conducting medical examinations in connection with the applications of persons for visas for the United States. I respect his findings and as a laymen it would be foolish for me to dispute his opinions. His decisions on the physical and mental condition of those persons examined are final insofar as this Consulate is concerned.

The possibility of your daughter making a claim to American citizenship has likewise been investigated. Section 314 of the Nationality Act of 1940 provides:

"A child born outside of the United States of alien parents * * * becomes a citizen of the United States upon fulfillment of the following conditions:

* * * * *

"(c) The naturalization of the parent having legal custody of the child when there has been a legal separation of the parents; and if

"(d) Such naturalization takes place while such child is under the age of eighteen years; and

"(e) Such child * * * begins to reside permanently in the United States while under the age of eighteen years."

You will notice that she is unable to fill condition (e), thus an application for registration as an American citizen would be denied.

While I deeply sympathize with you in the existence of what appears an insolvable bar to getting your daughter to the United States for permanent residence, in the absence of any legal authority which permits me to issue her a visa, the refusal extended her on September 19, 1950, as a mentally defective person must stand.

Very truly yours,

CULVER E. GIDDEN, *American Consul.*

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 905) should be enacted.



